

SCHEDULE (k)

SETTLEMENT

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History and Status of Settlement Negotiations

On December 14, 2004, the Court ordered that this matter be referred to mediation. (D.I. 20). Prior to the mediation conference, the parties engaged in some informal discussions regarding settlement. The mediation conference between the parties took place on June 28, 2005 before Magistrate Judge Mary Pat Thyng. The parties were unable to come to a mutually agreeable resolution at the conference. Since that time, Plaintiff has not made a settlement demand or raised with Defendant the possibility of settlement. Continued settlement discussions are not likely to prove productive.